

Subject line: OPPOSE HB 4712 - Please read prior to House HPC meeting on 6/16/15



June 15, 2015

Re: Please OPPOSE House Bill (HB) 4712 - Expansion of the Chiropractor Scope of Practice; seeking prescriptive authority over physical therapists

Dear Representative XX,

The Michigan Physical Therapy Association (MPTA) OPPOSES HB 4712 which will be heard in the House Health Policy Committee on Tuesday, 6/16/15. MPTA thanks you in advance for reading this information prior to the HPC meeting.

This bill would allow chiropractors (DCs) to **prescribe** to physical therapists (PTs). This bill expands the chiropractic scope of practice and diminishes the physical therapist scope of practice.

1. Chiropractors state they are seeking parity with other physicians by making changes in another profession's (physical therapists) scope of practice.

- Although the MI Public Health Code Sec 333.16401(a) allows chiropractors to use the term "chiropractic physician" or "doctor of chiropractic", MI law limits the chiropractic scope of practice.
 - From the Chiropractic Section (Part 164) of the MI Public Health Code related to the "practice of chiropractic" - *Section 333.16401(i): The diagnosis of human conditions and disorders of the human musculoskeletal and nervous systems as they relate to **subluxations, misalignments, and joint dysfunctions.** These diagnoses shall be for the purpose of detecting and correcting those conditions and disorders or offering advice to seek treatment from other health professionals in order to restore and maintain health.*
- Chiropractors have a limited scope of practice because their academic education is not as extensive as Medical Doctors (MD) or Doctors of Osteopathy (DO).
 - Both the MD and DO have an unlimited scope of practice under MI law.
 - Both Dentists (DDS) and Podiatrists (DPM) have an unlimited scope of practice based on their academic education in their specific anatomical region. Example: DDS and DPM diagnose, prescribe medications, perform surgeries, etc within their anatomical regions.

Physical therapists also have a limited scope of practice under Michigan law.

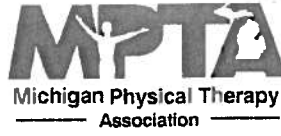
Although both DCs and PTs have limits under the law, they are distinctly different health professions.

"Prescription" implies a hierarchical relationship between the "prescriber" and the "prescribee". "Refer" implies a collaborative relationship. Prescription would allow the DC to tell the PT exactly what to do; e.g. 10 repetitions of this exercise, electrical stimulation for X minutes at this site, etc. This potentially removes the PT's professional judgment in designing the plan of care. "Prescribe" is not the same as "Refer" in Michigan law although the DCs use the terms interchangeably.

It is not appropriate to have one health profession with a limited scope of practice (DCs) have statutory authority to prescribe treatment to another health profession with a limited scope of practice (PTs).

2. Proposed changes to MI law should address consumer safety, consumer access, address healthcare costs or to ensure quality of care.

- HB 4712 does not address any public health or consumer issues.



3. With the passage of Public Act 260-2014 - Direct Consumer Access to Physical Therapy Care, citizens of MI can seek care from a physical therapist directly for 10 visits or 21 days, whichever occurs first. If more physical therapy care is needed, the PT can contact the patient's physician.
 - HB 4712 is not needed; chiropractors and all other health professionals can refer patients for physical therapist care; including patient self-referral.
4. Prescriptive authority would mean that the prescriber (DC) has sufficient knowledge of the practice of the professional to whom he/she is prescribing (PT).
 - DCs and PTs both treat patients with spine and peripheral joint dysfunction; although the philosophical approach of DCs and PTs differs greatly.
 - Chiropractors treat "subluxations" and "misalignments". Physical therapists are educated in the MD / DO biomedical models of care. The practice of physical therapy does not recognize the constructs of subluxation theory and misalignments.
 - PTs also treat patients with diagnoses that chiropractors do not address. For example: PTs treat patients with cerebral palsy, multiple sclerosis, muscular dystrophy, strokes, amputations, cardio-pulmonary diseases, wounds, balance disorders, etc.
 - It is not appropriate for the chiropractor to prescribe to the physical therapist.
5. Chiropractors are not qualified under Medicare to certify a Physical Therapy Plan of Care.
 - Under Medicare, a physical therapist can treat a Medicare beneficiary, but must get a certified Plan of Care from the patient's primary care physician within 30 days.
 - Medicare authorizes the MD and DO as primary care physicians; Medicare does not authorize chiropractors.
6. Chiropractors and physical therapists are economic competitors in the outpatient clinical market e.g. patients with spine pain, overuse injuries, weekend warriors, etc.
 - It is inappropriate to change Michigan law to give a legal advantage to chiropractors over physical therapists.
7. If HB 4712 were to pass, the potential exists for a chiropractor to hire a physical therapist and prescribe for physical therapy care in his/her own chiropractic office.
 - The chiropractor could then prescribe physical therapy services and direct the patient only to the physical therapist that the chiropractor employs, thus limiting patient choice of PT provider and creating the potential for over-utilization of physical therapy services.

HB 4712 is NOT a simple change to the Michigan Public Health Code.

Please VOTE NO on HB 4712.

Sincerely,

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